

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NOS. 2:09-00269
2:05-00151

DONNELL W. EDWARDS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On January 23, 2017, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, Donnell W. Edwards, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Joe Black. The defendant commenced a three-year term of supervised release in Criminal No. 2:09-00269 and a two-year term of supervised release in Criminal No. 2:05-00151 on January 7, 2015, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act in Criminal No. 2:09-00269 entered by the court on September 23, 2010, and in the Supervised Release Revocation and Judgment Order entered on June 28, 2010.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed violations of federal and state law, that is, distribution of controlled substances inasmuch as he distributed a quantity of cocaine base to a confidential informant on July 26 and 28, September 12 and 28, 2016; distributed a quantity of methamphetamine to a confidential informant on August 2, 2016, as evidenced by his admission on the record of the hearing that the government possesses sufficient proof to prove the offenses by a preponderance of the evidence; (2) the defendant used and possessed controlled substances as evidenced by positive urine specimens submitted by him on May 4, 2015, June 1, August 19, and September 26, 2016, for marijuana; positive urine specimens submitted by him on August 19 and September 26, 2016, for cocaine; and his admission to the probation officer on July 14, 2016, that he had used methamphetamine and cocaine on July 11, 2016; all as admitted by the defendant on the record of the

hearing with the exception of (1) as set forth above and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE (12) MONTHS on each of Counts One and Two in Criminal No. 2:05-00151, to run concurrently, and for a period of TWELVE (12) MONTHS in Criminal No. 2:09-00269, to run consecutively to the twelve-month month term imposed in Criminal No. 2:05-00151, for a total imprisonment term of TWENTY-FOUR (24) MONTHS, to be followed by a term of two years of supervised release in

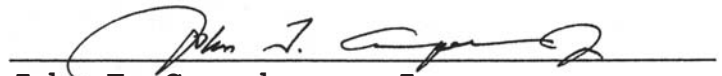
Criminal No. 2:09-00269, upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B) and the standard conditions as set forth in Local Rule 32.3.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution as close to Charleston, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 2, 2017


John T. Copenhaver, Jr.
United States District Judge